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DEC 16 2008

OFFICE OF PETITIONS

In re Application of	:	
Joseph J. Spranza et al	:	
Application No. 10/697,444	:	ON PETITION
Filed: October 29, 2003	:	
Attorney Docket No. SAFE TROCHAR WITH	:	
GUIDE FOR PLACEMENT OF SURGICAL	:	
DRAINS	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 26, 2008, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned for failure to reply in a timely manner to the nonfinal rejection mailed on July 9, 2007.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(s) (1 and 3).

As to item (1):

The copy of the response submitted with the instant petition is not appropriate because it is **not signed**. Also, the copy of the receipt submitted with the petition is not itemized to show that a response to the nonfinal rejection mailed July 9, 2007 was received by the U.S.P.T.O. for the above identified application. Further, no evidence is provided on the receipt to be associated with the above identified application.

As to item (2):

The petition is not considered to contain a proper statement of unintentional delay since the petition is signed by only one inventor (in this instance Widow of Joseph John Spranza III). In accordance with 37 CFR 1.33(b)(4), **all** inventors must sign. Therefore, the signature of inventor Robert S. Namba is also required.

Petitioner may wish to consider hiring a registered patent attorney or agent to assist in the prosecution of this application. Additionally, petitioner is encouraged to contact the Inventors Assistance Center (IAC) by telephone at 800-786-9199 or 571-272-1000, Monday through Friday from 8:30 AM to 5:30 PM (EST). The IAC provides patent information and services to the public and is staffed by former Supervisory Patent Examiners and experienced Primary Examiners who answer general questions concerning patent examining policy and procedure.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
 Commissioner for Patents
 P. O. Box 1450
 Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
 Customer Service Window, Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300**.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

A handwritten signature in black ink that reads "Karen Creasy". The signature is written in a cursive style with a large, stylized "K" and "C".

Karen Creasy
Petitions Examiner
Office of Petitions